

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0236

NIETO v. ADOC et al.

Appellate Case Information

Case Filed: 15-Apr-2015
Case Closed:

Dept/Composition

Department E

Hon. Diane M Johnsen
Hon. Patricia A Orozco
Hon. Kenton D Jones

Consolidated with: 1 CA-CV 15-0235

Side 1. CARLOS NIETO, Appellant

(Litigant Group) CARLOS NIETO

- Carlos Nieto

Attorneys for: Appellant

Martin A Bihn, Esq. (AZ Bar No. 14338)
Donna M McDaniel, Esq. (AZ Bar No. 17366)

Side 2. ARIZONA DEPARTMENT OF CORRECTIONS, GAIL RITTENHOUSE; ARIZONA STATE PERSONNEL BOARD; JOSEPH SMITH; JIM THOMPSON; MARK ZISKA, Appellee

(Litigant Group) ADOC/RITTENHOUSE

- Arizona Department of Corrections
- Gail Rittenhouse

Attorneys for: Appellees ADOC et al.

Michelle Kunzman, Esq. (AZ Bar No. 24134)

(Litigant Group) STATE PERSONNEL BOARD

- Arizona State Personnel Board
- Joseph Smith
- Jim Thompson
- Mark Ziska

Attorneys for: Appellees State Board et al.

Jeffrey A Bernick, Esq. (AZ Bar No. 13162)

CASE STATUS

Sep 16, 2016....Pending in ASC

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	LC2014-000166-001	Judicial Review of Administrative Decision		Crane McClennen, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-16-0223-PR

CASE DECISION

24-May-2016 MEMORANDUM DECISION

Diane Johnsen.....Author
Patricia Orozco.....Concur
Kenton Jones.....Concur

Filed: 24-May-2016 Mandate:

Decision Disposition

Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CV 15-0235 PINEDA v. ADOC et al.

37 PROCEEDING ENTRIES

1. 15-Apr-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/26/15
Docketing Statement filed in Superior Court: 2/26/15
2. 15-Apr-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
3. 21-Apr-2015 FILED: Notice to Parties re: Appellant's Fee/Brief Due

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37 PROCEEDING ENTRIES

4. 21-Apr-2015 FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service (Appellant)
5. 24-Apr-2015 RECEIPT No.: 2015-00544 ; \$280.00, Authorization: # 12018236065, Applied to: CARLOS NIETO - Class A Filing Fee (\$280.00) Paid for: Bihn & McDaniel PLC - By Integrated Resource Systems IN
6. 27-Apr-2015 FILED: Response To Unopposed Motion To Consolidate CA-CV 15-0235 and CA-CV 15-0236 Pursuant to Rule 8(G) ARCAP; Certificate of Service (Appellant)
7. 7-May-2015 ORDERED: Consolidating case 1 CA-CV 15-0235 w/ 1 CA-CV 15-0236. Case No. 1 CA-CV 15-0235 is designated primary number. FURTHER ORDERED: Opening brief is due on 6/22/15. Melina Brill ProTem Judge - Author
8. 8-May-2015 FILED: Appellee's Notice re: No Appellee's Fee Due/Appellant's Brief Due
9. 17-Jun-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
10. 24-Jun-2015 FILED: Unopposed Motion to Extend Time to File Answering Brief; Certificate of Service (Appellee)
11. 24-Jun-2015 ORDERED: Unopposed Motion to Extend Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-03-2015 to Monday, 08-17-2015. Melina Brill ProTem Judge - Author
12. 14-Aug-2015 FILED: Second Request To Extend Time to File Answering Brief; Consolidated Certificate of Service (Appellee)
13. 17-Aug-2015 ORDERED: Second Request To Extend Time to File Answering Brief (all answering briefs)(Appellee) = GRANTED. Due date EXTENDED from Monday, 08-17-2015 to Monday, 08-31-2015. Melina Brill ProTem Judge - Author
14. 18-Aug-2015 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee AZDOC)
15. 18-Aug-2015 FILED: Appendix to Answering Brief; (Appendix to Answering Brief) Appendices A - F (Appellee)
16. 24-Aug-2015 FILED: Notice of Similar Pending Issue in Other Actions Before the Court; Certificate of Service (Appellee)
17. 28-Aug-2015 FILED: Appellee Arizona State Personnel Board and its Members' Joinder in Arizona Department of Corrections' Answering Brief; Certificate of Compliance; Certificate of Service
18. 14-Sep-2015 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
19. 5-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20. 7-Oct-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 9-Dec-2015 FILED: Supplemental Citation of Legal Authority; Certificate of Service (Appellant)
22. 10-Dec-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
23. 17-Feb-2016 FILED: Consolidated Notice Of Filing Petition For Review; Consolidated Certificate of Service (Appellee ADOC)
24. 17-Feb-2016 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
25. 29-Feb-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 4-27-16, 09:30 am, COURTROOM 1. (Conference set, OA vacated per order filed on 4/21/16)
26. 7-Mar-2016 FILED: Notice of Oral Argument
27. 22-Mar-2016 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee ADOC)
28. 21-Apr-2016 ORDERED: Unopposed Motion for Procedural Order to Continue Oral Argument Set For April 27, 2016 (Appellee) = vacating oral argument set for 4/27/16. FURTHER ORDERED: Panel will consider case at its conference on 4/27/16 w/o oral argument. Hon Diane M Johnsen - Author
29. 24-May-2016 MEMORANDUM DECISION (Affirmed) Hon Diane M Johnsen - Author; Hon Patricia A Orozco - Concur; Hon Kenton D Jones Judge - Concur
30. 24-May-2016 FILED: Memorandum Decision Distribution List
31. 8-Jun-2016 FILED: Appellants' Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)

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37 PROCEEDING ENTRIES

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| 32. | 11-Jul-2016 | ORDERED: response to motion for reconsideration from Arizona Department of Corrections due 08/01/2016. FURTHER ORDERED: in response, appellee shall address issues (see order filed 07/11/2016). Hon Diane M Johnsen - Author |
| 33. | 1-Aug-2016 | ORDERED: Motion for Extension of Time to File Response to Motion for Reconsideration (Appellee ADOC) = GRANTED. Due date EXTENDED from Monday, 08-01-2016 to Tuesday, 08-16-2016. Hon Diane M Johnsen - Author |
| 34. | 22-Aug-2016 | ORDERED: Appellants' Motion for Reconsideration; Certificate of Compliance (Appellant) = DENIED. Hon Diane M Johnsen - Author |
| 35. | 9-Sep-2016 | FILED: ASC Order filed 09/09/2016 re: extending time for filing Petition for Review to 09/07/2016 |
| 36. | 16-Sep-2016 | FILED: Email Notice from ASC re: Petition for Review filed 9/7/16; request for partial record |
| 37. | 19-Sep-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court |